

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CYNTHIA E. DEMPSTER,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

CIVIL ACTION  
NO.04-10334-PBS

**MOTION TO DISMISS OR  
IN THE ALTERNATIVE FOR SUMMARY JUDGMENT**

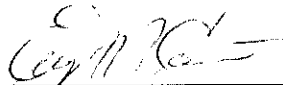
The defendant, United States of America, respectfully moves this Court, pursuant to Rule 12 of the Federal Rules of Civil Procedure, to dismiss the above-captioned Complaint, or in the alternative to grant summary judgment in its favor. As set forth more fully in the accompanying Memorandum of Law, plaintiff has failed to effect proper service upon defendant pursuant to Fed. R. Civ. P. 4(i). In addition, the doctrine of sovereign immunity operates to bar her claim to the extent it sounds in tort.

WHEREFORE, the government respectfully requests that this Court dismiss this action with prejudice.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

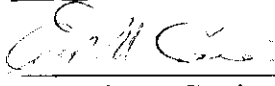
BY:

  
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Eugenia M. Carris  
Assistant U.S. Attorney  
John J. Moakley Federal Court  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617)748-3100

Dated: February 27, 2004

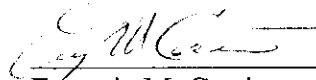
L.R. 7.1 CERTIFICATION

The undersigned counsel respectfully requests exemption from the requirements of L.R. 7.1 on the ground that plaintiff in this action is pro se.

  
\_\_\_\_\_  
Eugenia M. Carris

CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2004, I caused a true copy of the above document to be sent by first-class mail to plaintiff, Cynthia E. Dempster, 34 Rock Neck Ave, Gloucester, MA 01930.

  
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Eugenia M. Carris